

2633

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

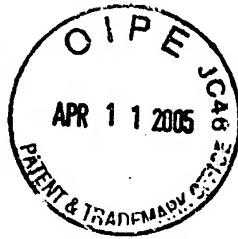
SMITH

Serial No.: 10/053,679

Filed: January 21, 2002

Atty. File No.: 1604-381

For: "ON-AXIS LASER RECEIVER
WAVELENGTH DEMULTIPLEXER
WITH INTEGRAL IMMERSION
LENSED DETECTORS"



) Group Art Unit: 2633

) Examiner: Bello, Agustin

) INFORMATION
) DISCLOSURE STATEMENT

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS
FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE
COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA,
VA 22313-1450 ON 4/17/05

SHERIDAN ROSS P.C.

BY: *[Signature]*

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner.

- ☐ Copies of the cited non-patent and/or foreign references are enclosed herewith.
- ☐ Copies of the cited U.S. patents and/or patent applications are enclosed herewith.
- ☐ Copies of the cited U.S. patents/patent application publications are not enclosed in accordance with the waiver dated July 11, 2003, whereby patent applications filed after June 30, 2003 and international applications that have entered the national stage under 35 U.S.C. § 371 after June 30, 2003 need not submit copies of U.S. patents and U.S. patent application publications.

☐ Copies of the cited references are not enclosed, in accordance with 37 CFR 1.98(d), because the references were cited by or submitted to the U.S. Patent and Trademark Office in prior application Serial No. _____ filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

☒ Other: Attached hereto is a copy of an Office Action dated December 20, 2004, for U.S. Patent Application No. 10/054,150, and a copy of an Office Action dated December 28, 2004, for U.S. Patent Application No. 10/053,699.

☐ Examiner's attention is drawn to the following co-pending applications, copies of which have been or are being submitted:

Serial No. _____ filed _____

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

FEES

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|--------------------------|--|
| <input type="checkbox"/> | <p>37 CFR 1.97(b): No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith satisfies one of the following conditions ("X" indicates satisfaction):</p> <ul style="list-style-type: none"><input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or<input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or<input type="checkbox"/> Before the mailing date of a first Office Action on the merits, or<input type="checkbox"/> Before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114. <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p> |
| <input type="checkbox"/> | <p>37 CFR 1.97(c): The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <ul style="list-style-type: none">(1) a final action under 37 CFR 1.113 or(2) a notice of allowance under 37 CFR 1.311, or(3) an action that otherwise closes prosecution in the application. <p>This Information Disclosure Statement is accompanied by:</p> <ul style="list-style-type: none"><input type="checkbox"/> A Certification (below) as specified by 37 CFR 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970. <p style="text-align: center;">OR</p> <ul style="list-style-type: none"><input type="checkbox"/> Please charge Deposit Account 19-1970 in the amount of \$180.00 for the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Deposit Account 19-1970. |
| <input type="checkbox"/> | <p>37 CFR 1.97(d): This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <ul style="list-style-type: none"><input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 CFR 1.97(e) <p style="text-align: center;">AND</p> <ul style="list-style-type: none"><input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Please charge Deposit Account 19-1970 in the amount of \$180.00 under 37 CFR 1.17(p). Please credit any overpayment or charge any underpayment to Deposit Account 19-1970. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification. |

Certification (37 CFR 1.97(e))
(Applicable only if checked)

☐ The undersigned certifies that:

☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 CFR 1.97(e)(1).

☐ A copy of the communication from the foreign patent office is enclosed.

OR

☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this statement. 37 CFR 1.97(e)(2).

Respectfully submitted,

SHERIDAN ROSS P.C.

By: _____

Bradley M. Knepper

Registration No. 44,189

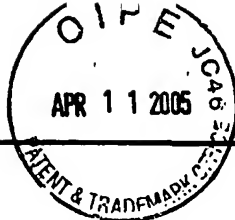
1560 Broadway, Suite 1200

Denver, CO 80202-5141

(303) 863-9700

Date: _____

April 7, 2005



Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Complete if Known

| | |
|------------------------|------------------|
| Application Number | 10/053,679 |
| Filing Date | January 21, 2002 |
| First Named Inventor | Smith |
| Art Unit | 2633 |
| Examiner Name | Bello, Agustin |
| Attorney Docket Number | 1604-381 |

Sheet 1 of 1

U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number Number-kind Code ² (if known) | Publication Date MM-DD-YYYY | Name of Patentee of Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document Country Code ³ ; Number ⁴ ; Kind Code ⁵ (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
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OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

| Examiner Initials* | Cite No. ¹ | |
|--------------------|-----------------------|---|
| | 1 | Office Action dated 12/20/04 for U.S. Patent Application No. 10/054,150 |
| | 2 | Office Action dated 12/28/04 for U.S. Patent Application No. 10/053,699 |

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|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

*EXAMINER: Initial if reference is considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant.